Writ Petition no.413 (S/S) of 2003

RaM Kishore Singh ---------- Petitioner

Versus

State of Uttaranchal and others---------- Respondents

Hon'ble M.M.Ghildiyal J.

Heard Sri S.S.Yadav learned counsel for the petitioner and learned Standing Counsel.

The petitioner who is an Assistant Teacher and was teaching in Government Intermediate College, Manan district Almora was transferred by order dated 30.06.2003 from Government Intermediate College Manan district Almora to Government Higher Secondary School, Khajurani, Almora. Aggrieved with this order the petitioner has preferred this writ petition for quashing the order dated 30.6.2003. The learned counsel for the petitioner has stated that while passing the transfer order the government policy was not followed by the transferring authority. The place of transfer is more than 250 kilometers away from the present place. According to the transfer policy the persons who are surplus in a subject in any institute they shall be transferred. The contention of the petitioner is that he is teaching in Government Intermediate College Manan since 1991 whereas the respondent no.4 who was C.T. grade teacher was promoted in 1997 and in that case if there was a surplus teacher the respondent no.4 should have been transferred. I do not agree with the submission of the learned counsel for the petitioner. Firstly, the guidelines do not have statutory force. Secondly, the petitioner was staying at Manan since 1991 and in case one person is to be transferred the transferring authority has rightly chosen to transfer the petitioner because the stay of the petitioner at Manan is more than the period of stay of respondent no.4. Further the petitioner has not come to this court with clean hands. He has stated in writ petition on oath that he has been transferred from Manan to Khajurani which is 250 kilometers from Manan to Khajurani. The fact is otherwise. Learned S.C. has submitted that Manan is about 25 kilometers from Khajurani.

For the reasons stated above I do not find any infirmity in the transfer order. The writ petition is dismissed. No order as to costs.

(M.M.Ghildiyal.J.)

July 14, 2003
MPS